



## Applying for a Conditional Use Permit

The term "conditional use permit" refers to a land use which would not be permitted under the normal regulations of a zoning district, however the proposed use may be made acceptable within the zoning district if development of the use complies with special conditions provided by the Planning Commission. Specified conditions and development plans associated with a conditional use permit (CUP) may only be amended by the Planning Commission. The conditional use permit is revocable by the City if any of the conditions are violated.

### Overview:

Conditional use permit applications are reviewed by the Planning Commission and staff to determine compliance with the following city code:

#### 17.52.060 Determination.

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless the evidence establishes:

A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;

B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets;

D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

**Submittal Deadline:**

Application for a conditional use permit must be submitted to the Murray City Community Development Department, 4646 South 500 West by 10:00 a.m. at least three weeks prior to the intended date the application is to be considered by the planning commission. Incomplete applications may delay processing of the application and subsequent scheduling of public hearings.

- ☐ **Take Note.** If there is an existing building on the property that is proposed to be demolished or remodeled, and the building is over 50 years old, it may require review by the Historic Preservation Board. Please contact Mary Ann Kirk at (801) 264-2638 for additional information.

**Meeting Dates:**

Who?	Planning & Zoning Commission
When?	1 <sup>st</sup> & 3 <sup>rd</sup> Thursday of each month at 6:30 p.m.
Where?	Murray City Hall Council Chambers, 5025 South State Street

**Application Fee (non-refundable):**

- ☐ Conditional Use Permit: \$200.00
- ☐ Conditional Use Amendment: \$200.00

**Application Process:**

**Step 1. Contact the Planning Department.** Meet informally with a member of the planning department staff to discuss your proposal and review the issues, procedures and fees associated with the application.

**Step 2. Submit Application:** For all conditional use permit applications please submit the following information:

- ☐ Completed Conditional Use Permit application form.
- ☐ Property Owner's Affidavit (i.e. a written statement made before a notary). For your convenience, an affidavit has been provided on the back of the application form.
- ☐ If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form (also provided on the back of the application form).
- ☐ Payment of application fee.
- ☐ Three (3) copies of a legible site plan proposal. The site plan should include the following information:
  - ☐ Include the project name and exact street address.
  - ☐ Accurate dimensions of the subject property, drawn to scale (i.e. 1"=10', 1"=30', etc.), with north arrow and date of drawing. Sheet size should be a minimum of 18" x 24".

- Property lines, adjoining streets, right-of ways, waterways, easements, etc. with dimensions.
  - Location and dimension of existing and proposed buildings, entries and exits, driveways, parking areas, landscape areas, sidewalks, retaining walls, fences, exterior lighting, dumpster enclosures, etc.
  - Location of existing property features such as streets, canals, ditches, waterways, hillsides, wetlands, flood plain, etc.
  - Three (3) copies of floor plans. Include both existing and proposed floor plans. Indicate the scale (i.e. 1/8"=1', 1/4"=1', etc.) used on the plans.
  - Three (3) copies of building elevations. These must be dimensioned to show an accurate representation of the proposed building. Provide a summary of the type of building materials which will be used for all structures. Indicate the scale (i.e. 1/8"-1', 1/4"=1', etc.) used on the elevation.
  - Three (3) copies of a preliminary landscape plan. These must include:
    - Areas to be planted in lawn;
    - Specific locations for each existing and proposed shade, evergreen, ornamental or fruit tree;
    - Areas to be planted in shrubs;
    - Areas to be planted as flower beds or with living ground covers;
    - Areas for non-living landscape materials (i.e. boulders, cobblestones, bark, etc.);
    - Ten (10) feet of landscaping is required along all forntage areas not occupied by drive access.
  - Submit one (1) reduced 8 1/2 x 11 inch copy of all development plans.
- \*All plans submitted with the application will not be returned to the applicant and are the property of Murray City.

**Step 3. Attend the Planning Review Meeting.** The meeting is held on the Monday following the application deadline at 1:00 p.m. in the Public Services building conference room, located at 4646 South 500 West, Murray, Utah. If the meeting date falls on a holiday, check with planning staff for the date of the meeting. This meeting is attended by representatives of the various city departments who provide additional insight or information which will be useful to the Planning Commission to make a decision.

**Step 4. Attend Planning Commission Meeting.** The applicant will be sent a copy of the planning commission agenda and staff recommendation in advance of the meeting date. Information on the agenda will give the date, place and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no applicant is present, the Planning Commission will move on to the next agenda item. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. The applicant should be prepared to present the proposal in detail and answer questions from the Planning Commission members and other interested parties. An application may be "tabled" or "continued" if the Planning Commission needs additional information or time to consider the application. The Planning Commission will then make a motion to approve or deny the request.

**Appeal of Planning Commission Decision:**

Anyone aggrieved with a decision of the Planning Commission may appeal the decision to the Board of Adjustment. The appellant may be the applicant, neighboring property owner, an effected resident, or even the City itself. Appeals must be in writing and received by the Community Development Department within thirty (30) days of the Commission's decision. Appeals must contain all pertinent documents and state the reason(s) for the appeal. Payment of a fee is required at the time of filing.

**Conditional Use Permit Issuance:**

Following the approval of the conditional use permit by the Planning Commission, the permit will be issued in a letter to the applicant. The letter will state the conditions of permit approval. This document should be retained in the records of the property owner or applicant. All conditions outlined in the permit must be maintained in order for the permit to remain valid and in effect.

**Expiration of Conditional Use Permit:**

Approval of the conditional use permit application by the Planning Commission will expire 24 months after the date of approval unless the applicant has obtained a building permit, where required, for the use within the 24 month period following approval. The Planning Commission may grant a maximum extension of one (1) year when deemed in the public interest.

# CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Land use change |
| <input type="checkbox"/> Addition         | <input type="checkbox"/> Appeal          |
| <input type="checkbox"/> Remodel          |  |

Subject Property Address: \_\_\_\_\_

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area: \_\_\_\_\_ Current Use: \_\_\_\_\_

Floor Area: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Business Name (If applicable): \_\_\_\_\_

Property Owner's Name (If different): \_\_\_\_\_

Property Owner's Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Describe your request in detail (use additional page if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Property Owners Affidavit

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_